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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,423

03/01/2005

Martin Landwehr

6400-0042WOUS

3272

49698 7590 12/19/2006
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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT

PAPER NUMBER

3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/526,423

Applicant(s)

LANDWEHR, MARTIN

Examiner

Suzanne Dino Barrett

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

- A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

In view of Applicant's arguments presented in the amendment after-final of 11/28/06, the finality of the last office action is hereby withdrawn. In light of the discovery of new prior art, the following is a new non-final action on the merits.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,227,448 in view of Malia 3,086,830. EP '448 teaches (Fig. 2 embodiment) a safe 2 comprising an outer door 18' hinged together with an inner door 20', the inner door having a cutout portion to allow access to certain interior spaces 14,16 and further having a safe lock mechanism 19' for the outer door and a lock mechanism 21' for the inner door. EP '448 fails to teach the use of a single lock mechanism for both the inner and outer doors. Malia teaches a door assembly comprising inner and outer doors (12,14), Malia further teaches that the innermost door (34) have a cutout slots for allowing access therethrough (col. 3, lines 8-11). The inner and outer doors each comprise respective dedicated handle and latch/lock mechanisms (16/37; 17/36,38) which control unlocking of either or both of the doors. Malia further teaches the use of conventional handle/latch lock means (col. 3, lines 23-24) for the handles 16,17. It

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would have been obvious to modify the safe of EP '448 by providing a handle/latch/lock mechanism as taught by Malia to consolidate the locking means and reduce the number of parts in order to allow retrofitting of the locks.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '448 in view of Malia '830, as applied to claim 7 above, and further in view of Craven et al 5,143,430. Craven et al teach the concept of different employees accessing different parts of the safe, i.e. the refrigerated portion behind the inner door 22 to replace goods or the control panel portion behind the outer door 18. It would have been obvious to provide the safe lock of EP '448, as modified by Malia, with a hierarchical entrance lock system as contemplated by Craven et al and as well known in the lock art to provide selective access to various safe compartments as desired.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '448 in view of Malia '830, as applied to claim 7 above, and further in view of Fumanelli 5,787,819. Fumanelli further teaches the use of electronic door lock control means (5a) on a safe 3. It would have been obvious to one of ordinary skill in the art given the teaching of Fumanelli, to substitute electronic lock means for the mechanical means of EP '448, as modified by Malia, as a means of enhancing the security of the safe.

Response to Arguments

5. Applicant's arguments with respect to claims 7, 9-11 have been considered but are moot in view of the new ground(s) of rejection.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb